

AUG - 8 2005

TRIAL MINUTES OF THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS

For The Northern Mariana Islands
(Deputy Clerk)

CR-04-00038

August 8, 2005
9:05 a.m.

UNITED STATES OF AMERICA -v- ERIC JOHN TUDELA MAFNAS, et., al.

PRESENT: Hon. A. Wallace Tashima, Senior Circuit Judge
Sanae Shmull, Court Reporter
Michelle C. Macaranas, Courtroom Deputy
Timothy Moran, Assistant U. S. Attorney
Jamie Bowers, Assistant U.S. Attorney
Stephanie Flores, Attorney for Defendant Mafnas
Victorino Torres, Attorney for Defendant Mafnas
Perry Inos, Attorney for Defendant Patris
Eric John Tudela Mafnas, Defendant
Charley K. Patris, Defendant

PROCEEDINGS: **JURY TRIAL - Day Five**

Government by Timothy Moran and Jamie Bowers, AUSAs. Attorney Stephanie Flores and Victorino Torres was present on behalf and with defendant, Eric John Tudela Mafnas. Attorney Perry Inos was present on behalf and with defendant, Charley K. Patris. Also present was Joe Auther, Special Agent FBI.

At 9:05 a.m. Court took up matters regarding jury instructions and redacted Indictment. After all arguments, the Court reserved on this issue.

At 9:15 a.m. all jurors were brought into the courtroom. Court resumed at 9:16 a.m.

GOVERNMENT CONTINUED: **GRAND JURY TESTIMONY (TAPE & TRANSCRIPT)** At 9:31 a.m. tape ended.

AUSA, Tim Moran read in open court stipulation between parties regarding Defendants.

GOVERNMENT CALLED WITNESS: **DAVID ANTHONY MARCIANO HOSONO (DPS)**. DX, CX (Attorney Flores & Inos), RDX, RCX (Attorney Flores). Ref. to Frankie Mafnas. At 10:16 a.m. excused witness Hosono.

GOVERNMENT: **Ex. 20 (Transcript - Patris Grand Jury testimony) & 20A (Tape of Patris' testimony)**. At 10:30 a.m. Court excused jurors for a break.

At 10:50 a.m. all jurors were present. Court resumed.

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GOVERNMENT: **Ex. 20 (Transcript - Patris Grand Jury testimony) & 20A (Tape of Patris' testimony)**. At 11:30 a.m. tape ended

GOVERNMENT CALLED WITNESS: **FRANK S. QUITUGUA (Division of Customs - DEA)** Witness was sworn. DX. Ref. to photos Ex.22. Government offered Ex.22 ; no objection; Court so Ordered. Ex. 22A. Government offered Ex. 22A; no objections; Court so Ordered. Ex. 22B, 22C & 22D. Government offered Ex. 22B, 22C & 22D; no objections; Court so Ordered. Ex. 22C. Ex. 22D. Ex. 22A. Ex. 21. Ref. to Ex. 21A, 21B, 21C, &21D. Government offered Ex. 21A, 21B, 21C & 21D; no objections; Court so Ordered.

At 12:00 p.m. Court admonished and excused the jury for lunch and ordered them to return at 1:30pm to resume trial. Witness Quitugua was also excused for lunch.

Court took up matters regarding exhibits.

At 1:30pm all jurors were present. Court resumed at 1:32 p.m..

GOVERNMENT CONTINUED WITH WITNESS: **FRANK S. QUITUGUA**. DX. Ref. Ex. 21A. Ex. 21B, 21C & 21D. Ref. to Yen Rhong Zhang. Ex. 24. Ref. to Quitugua's SIS Report dated 11/7/03. Ex. 25 & 26. *Attorney Torres began CX*. Defense offered Frank Quitugua's Report; objection; Sustained. Ref. to Ex. A. *Attorney Inos began CX*. *Government began RDX*. *Attorney Inos began RCX*. Ref. to money taken out of Attorney Inos' wallet. At 2:27 pm. Witness Quitugua was excused.

GOVERNMENT CALLED WITNESS: **ANDREW S. TAIMANAO (DPS)**. Witness was sworn. DX. *Attorney Torres began CX*. Ref. to witness Taimanao's Grand Jury testimony. At 2:57 pm. witness Taimanao was excused.

At 2:57 p.m. court excused the jurors for a break. At 3:20 p.m. all jurors were present. Court resumed trial at 3:22pm..

GOVERNMENT CONTINUED WITH WITNESS: **URBANO DUENAS BABAUTA (AGIU)**. Witness was sworn. DX. Ex. 27. *Attorney Flores began CX*. *Attorney Inos began CX*. *Government began RDX*. *Attorney Flores began RCX*. At 3:46 p.m. witness Babauta was excused.

GOVERNMENT CALLED WITNESS: **JOE AUTHER (FBI AGENT)** DX. Ex. 22A. Ref. to Ex. 18. *Attorney Flores began CX*. At 3:56pm witness Auther was excused.

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At 3:57 p.m. GOVERNMENT REST THEIR CASE.

At 3:57 p.m. Court admonished and excused the jury and ordered them to return tomorrow, August 9, 2005 at 9:00 a.m to resume trial.

Court took up matters regarding defense's case and witnesses. Attorney Flores informed the Court that they will call two witnesses or less and will most likely take half the day tomorrow. Government assumes that closing argument will take an hour; same for defense counsel. Court set motions date for tomorrow, August 9, 2005 at 8:30am

Adjourned 4:10 p.m.

A handwritten signature in black ink, appearing to read 'M. Macaranas', written over the printed name.

Michelle C. Macaranas, Court Deputy